

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

FREDERICK WALLACE,

Plaintiff,

v.

Case No. 08-13162

BEACONSHIRE NURSING CENTER,

Honorable Arthur J. Tarnow

Defendant.

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ORDER DISMISSING CASE

Before the court is plaintiff's response to this court's show-cause order. The response does not show that Mr. Wallace does have a right-to-sue letter from the EEOC.

Therefore, this court lacks subject-matter jurisdiction over his case. 42 U.S.C. § 2000e-5(f)(1) (the EEOC or Attorney General "shall so notify the person aggrieved and within ninety days after the giving of such notice a civil action may be brought against the respondent named in the charge . . . by the person claiming to be aggrieved"); *Gladstone Realtors v. Village of Bellwood*, 441 U.S. 91, 104 n.12 (1979) ("complainant . . . must obtain a "right-to-sue" letter before proceeding in federal court").

The complaint is DISMISSED. The clerk is directed to close this case.

SO ORDERED.

S/ARTHUR J. TARNOW

Arthur J. Tarnow

United States District Judge

Dated: February 10, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 10, 2009, by electronic and/or ordinary mail.

S/THERESA E. TAYLOR

Case Manager